

FILED OFFICE  
2021 APR 21 AM 11:27  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**Janito Decarvalho**

ID 197664

Bristol County Sheriff's Office  
North Dartmouth, Mass. 02747

Phone : (508) 955- 6400

Date: June 20, 2020

**United State District Court**

**District of Massachusetts**

John Josep Moakley U.S. Courthouse

Office of the Clerk

1- Courthouse Way

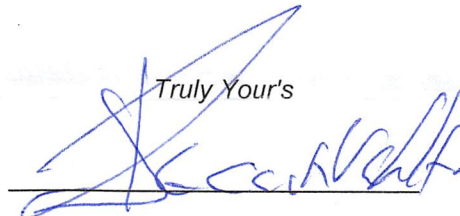
Boston, Mass. 02210

**Dear:** Clerk of Court  
Whom it May Concern

**Enclosed:**

Please find a Petitioner a (A Writing Obejection Of Settlement N0.20 -cv- 10617 WGY ) )  
please bring it to the attentions to the Judge Magistrate, schedule a hearing on this matter,  
Petition -Plaintiff receive this correspondence with the delay on April 13, 2021 Wohever he did the  
best to follow the dead line on time by April 21 and also be aware because a volume of the  
evidence he intend to present on Court Hearing on May 03,2001 all the evidency that apply.  
Respectfully ask you for this Great deligency.

Truly Your's



Janito Decarvalho

ID 197664- Pro -se CC: fille

**Janito Decarvalho**

ID 197664

Bristol County Department of Corrections

North Dartmouth, Mass. 02747

I.C.E. - A

Phone : (508) 955- 6400

**UNITED STATES DISTRICT COURT FOR  
DISTRICT OF MASSACHUSETTS**

U.S. DISTRICT COURT  
DISTRICT OF MASS.

2021 APR 21 AM 11:27

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IN CLERKS OFFICE

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MARIA ALEJANDRA CELIMEN SAVINO, )

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)  
JULIO CESAR MENDES NEVES, and all )  
those similiary situated, )

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)  
Petitioner- Plaintiffs, )

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)  
v. )

)  
)  
STEVEN SOUSA, Superintendent, )

)  
)  
Respondent- Defendant. )  
\_\_\_\_\_- - )

Civil Actions: NO. 1:20- cv- 10617 WGY

**Assigned to : Hon. Judge W. Young**

**File Date : April 17, 2021**

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**PLAINTIFF OBJECTED A PROPOSED SETTLEMENT CLASS ACTIONS SETTLEMENT  
BY DEFENDANT - ICE ON SAVINO Et Al V. HODGSON Et Al., U.S.D.C. MASS., NO. 1: 20 cv  
10617**  
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 Petitioner- Plaintiffs, )  
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 v. )  
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 STEVEN SOUSA, Superintendent, )  
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 Respondent- Defendant. )  
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Civil Actions: NO. 1:20- cv- 10617 WGY

U.S. DISTRICT COURT  
DISTRICT OF MASS.

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**OBJECTION OF PROPOSED SETTLEMENT CLASS ACTIONS SETTLEMENT  
 SAVINO Et Al V. HODGSON Et Al., U.S.D.C. MASS., NO. 1: 20 cv 10617**

Now Come the Petitioner- Plaintiff Janito Decarvalho in this matter above reference docket request this Honorable Court to place his "*Objection*" on that record rejecting a Proposed Settlement from the Respondent- Defendant-ICE on this Proceeding docket NO. 1:20 - cv - 10617 WGY. Plaintiff his not interested on that proposed Class Action Settlement because this "proposed settlement" is pointless did not favor the Petitioner - Plaintiff, and did not show fairness as follow : (a) Defendant- ICE have a obligation to bring the Detainee to the Court to a (non Immigrations) hearing when it was scheduled. See Nacional Detainee Handbook page 12. When Defendant - ICE and his associate failed to do so. On December 31 , 2020. Plaintiff already filed a motion to reconsider the dismissal of his Family matters issue to the Family Probate Court in Salen Mass. Adressed the Court his motives (b) In an early stage Plaintiff request throught Deportation Officer to be transfer to a different Facility way before pandemic, and Savino Class Action his requested was denied, the damaged, injury on the Plaintiff already been done including Plaintiff contract a Covid-19 were he become serius hill his symptoms was very critical, he already at the and of his Immigration deportation procedure and

also since his being here he spent \$100's on Clothing, Footwear, Personal Care and Miscellaneous products from administration Canteen Commissary, and fees of electronics service set up programs which he has not wanted to lose or be transfer to a different Facility and start all over (c) Plaintiff was Convict in 2015 for Possession of Firearm, and possession of class B, (cocaine) and others minor drug related drug charges (only have one conviction on his record) See *Docket 1383 -CR -00628*. Whoever Plaintiff [s]uccessful[ly] complet[ed] his Sentence in 2017 and was release on the same years in addition he complete a two (2) years Probations without any recidivism charge he become a Self Employer and very active and engaged on his Family and community live when I.C.E. defendant removed him and place him in "Prison" on that year of 2019 denied him [all] of forme and possibility or alternative of release (such as a curfew or home confinement restrictions or GPS - ISAP Government program) in addition disregard his medical condition, disregard of the fact that an alien has come high risk to contracted Covid and disregard his age and his Family matters. For this and others reason Plaintiff signeg this writting statement denied the Defendant - ICE proposition. An additional document in support of of such objection will be provide on that later Futur Planitiff express his willingness to appear at the *Fainess Hearing* scheduled on May 03,2021 at 11: AM .

Mr. Decarvalho was taken into Immigration and Customs Enforcement ("ICE" custody during the early morning hours of November 4,2019 . He has been incarcerated since that time at Bristol County Jail House of Corrections (BCHOC") in North Dartmouth , Massachussetts, since Decarvalho his under Custody of the Defendant - I.C.E. his been subject of varius of personal injury and it had occurred on varius dates and times throuhout his detention at BCHOC. Mr. Decarvalho is been subject to dangerous and abusive conditions that have in pact his health, exposed him to lethal risk of COVID -19 through the recklessnes and deliberate indifference of ICE , and caused significant physical injury and emotial distress . Whoever Mr. Decarvalho exhausted all admistration grievance procedure including in writting informed to I.C.E. Officer of Burlington Mass.(I.CE maintaing an Intergovernmental Service Agreement (IGSA) and 287(g)

agreement with BCHOC, which together authorize BCHOC to incarcerate person in ICE's legal custody, pursuant to detailed contractual terms, extensive Performance -Based National Detention Stander and Others Federal rules ,guidence and regulations incorporate into the IGSA and 287 (g) agreement, and subject to close ICE supervision and monitoring at list this is what that contracted required on that paper not actualy in practecy for that reason, That is not merely a coincidence, Mr. Janito Decarvalho his a menber of the class certified in Savino v. Souza , NO. 1: 20 - cv - 10617 - WGY (D. Mass.).

Mr. Decarvalho understood that his arrested because he had a prior convictions, this convictions alleged Violate (INA) Immigration Nacional Law, Mr.Deacrvalho does not understand why Defendant - ICE have him in a confined Prison Institution house of Corrections bound by Prison harsh condiction and regulations, hancuff in a daily lockdown routine housing ristrictions, actualy housing with Jailers in pre- trial and place him multiply time in sagregations soley because medical reason and denied a certain privilege and treat him as a regular convict as charged, inflicted on him as a forms of punishments knowing that Decarvalho his a Federal Detainee on Immigrations procedure he endured numerous violations in one ocasion Defendant - ICE refused to bring himto the Court on a personal non immigrations matters. Mr. Decarvalho his Sheltter in the worst condicions when he was actualy served and complety his sentence from his convictions over 5 years ago .

*Here plaintiff briefly explaining his objections and the reason of a such as follow:*

#### **I. Medical Treatment**

Mr. Decarvalho has felt an overwhelming sense of anxiety while detained at BCHOC, which has caused him to experience severe mental and physical symptoms. Upom his detentions at BCHOC and , more specificaly since March Decarvalho has had trouble sleeping and low energy lost of tremendous weight, he lost about 30 pounds, since he being detained because of lack of proper Nutrition and and anxiet, Mr. Decarvalho saw Medical professional while detained who he provide the Medical record of previous incurceration diagnost and he sugest that Doctor

to change his Diet, his requested was a tremendous battle with the Defendant -ICE when refused to provide him with a proper Quality and Quantities of Food and Nutrients, the Doctor aware of the issue cause me to have a (low blood cell lost of weight and anxiety and lost of sleep) Plaintiff recommend for a Diet change Quantity and Quality but Bristol administration nevertheless did anything which left Mr. Decarvalho no option but to choose be on a Vegetarian Diet to better off sustaining himself and spend an significant of the money (\$60-75 a weekly) in the purchased of Canteen commissary, he persisted to make a complaining to Medical were the Doctor clear was helpless in helping him to ameliorate that situations they prescribe him a multiple daily Vitamine and Iron for lack of Nutrients of the Food that he being served until now .

Mr. Decarvalho is a very active person he sought medical treatment many times while detained at BCHOC. The process to seek medical treatment involves placing a request in the drop box, which , if granted, is usually done after three to four days. This rhetoric process does not change even if there is a medical emergency. Twice Mr. Decarvalho medical treatment was neglected specially over Night once Mr. Decarvalho twisted his ankle and was in a significant amount of pain he could not sleep, once Mr. Decarvalho failed on the Basketball pick up game on his recreation time and injured his wrist and was denied a Medical treatment, the Nurse refused to come to the unit 2 East to see him a Night, once Mr. Decarvalho contracted a Covid- 19 he was removed from population and placed on segregation he didn't see the Doctor or Nurse upon requested until 15 hours after on that regular routine Meds line However the customary wait BCHOC Policy to three or four days to see a professional, this cause Mr. Decarvalho a lot of restless Night with no sleep. During that wait he was not given Ice , bandages, or even a pain reliever, some request for medical attention simply got no answered specifically x-ray, the Doctor, Nurse pick and choose when they assumed x ray is needed "as long you be able to move , walk or be in the Yard on recreation time they assumed that is not necessary to perform X ray, Thankfully never this Doctor BCHOC provide me a substantive treatment.



## ***II. Asult & Battery***

BCHOC (and throught it I.C.E.) Use unlawful Force on Mr. Decarvalho. See Office of attorney General Report, this report discribe how Bristol Policy use a excess of force on conducted theys business , Mr. Decarvalho was a part of a group of detainees who made some request to staff for adquate clening supplies and, in general more information regarding COVID - 19, as a result being out spoken on the issue he was place on sagregation and isolated for 45 days, withouth a single D. Report beside a extra pair of uniforme was found on his property doing the package of his property, for what he recal Bristol, Training Group of Officer call "Black shirt" ruan in to his Cell and overpower and sorround Mr.Decrvalho twisted his arm while cuffing his hand behind his back and took him to the isolation, Mr. Decarvalho note that was no reason for it at all because he and othres actyualy adressed the Bristol administration in a formal meeting on the issue covid protections all he did his speak on that issu, and use is First Amendment Rights without incited any violent or threats The use of force was excessive as Mr. Decarvalho was engaged in a calm conversation with the Guard , administrations including Corronel Mr. Oliver III, in explainig to him what was the issue wich he adressed sataing the fact that "we refuse to work he express that "every action as a consequence" for what he understood administration use a forme of supress and intimidations to ruan the facility as theys whise. Mr. Decarvalho and others did not resist any of their demands. This incident was extremely traumatic and only served to increase Mr. Decarvalho anxiety and frustation in delays on his Immigrations Ligal procedure, and lost of [all] his personal property (clothing , shoes, radio and othres item ) as a result he feel that he alawys to look over his shoulders for fear of what BCHOC will do to him next.

## ***III. Negligent Medical Care***

BCHOC (and thought it, I.C.E.) has a duty to ensure that those detainee at BCHOC receive adquate medical care . BCHOC breach that duty by failing to provide adquate

Medical care (1) following his twisted ankle (2) failing to provide him with a proper information and precaution he should take before a scheduled surgery with a doctor (3) failed him by no have a proper housing to house Mr. Decarvalho when he had contracted Covid-19, a properly medical care and prevent him for a exposure not to contract Covid in provide him a proper (PPP) personal protection program.

#### ***IV. Negligent Maintnance***

BCHOC did not comply with its contrated obligations by refused to maintain the Facility safe and sanitary conditions instead relied upon Immigrants Detainee themselves to clean the Facility, on a voluntier basis. The Detainee chose to clean the facility in exchange of recreations and extra plate of food, thats mean is not an official worker crew staff from BCHOC, supervision or any paper trail agreement and compensations for a "Workers" in additions despity request BCHOC did not provide a proper supplies needed to clean the facility and 90% at the time the suply is shorted and Water-dow.

#### ***V. False Imprisonment***

This one in particula and also all set above Defendant- ICE intetionaly, and unjustifiable, imprisoned Mr. Decarvalho durring the Covid-19 pandemic, since from beginning of the surges of pandemic March 2020, when the filing and service of the Savino Complaint put ICE on Notice of the pandemic condictiones at Bristol until the present Day Defendant - ICE subjecting Mr. Decarvalho to dangerous and abusive condictiones that impact his heath and exposed him to the lethal risk of contrating COVID - 19, actualy Mr. Decarvalho was test possitive and diagnosis wiith COVID - 19, he was seek with the symptoms of (fever, fatigue, weakness, headached, body aches, cuffing sore throw, no sense of smell, sleepness and nauseous) BCHO and ICE failed to engaged in a voluntary Populations reductions, testing and contract tracing, and failing to enforce detainee to maintain social distance protocol , all this steps was recommended by Public Official health expert insteat, Defendant - ICE and his Associate make a statement on March 19, 2020



that said : "nothing that although 80% of the individual Detainee at BCHOC are immunocompromised, and thus particularly vulnerable to exposure to COVID - 19" and social Media propaganda opposed to release detainee including posted inmates/detainee criminal record on F.B convince the general Public that we are danger to the Public. In another and, Defendant - ICE refuse to take any measure to release anyone or make accommodation by reduce the number of population, provide a proper PPP (personal protection program) conduct a test and contracted trace until was too late to protect Detainee including Mr. Decarvalho under his Custody, until the Savino Court acknowledge that these conditions would likely be sufficient for Mr. Decarvalho and the other Savino Class Members to establish a Trial that "substantial risk of serious harm [resulted] from their confinement in such conditions but nevertheless BCHOC steadfast in release detainee which this Nightmares become reality by Mr. Decarvalho where he contracted the Covid -19 after test positive the Court got involved on Savino Case, but nevertheless Defendant- ICE reckless negligent have Plaintiff in the continuing tortious and inhumane conditions housing "storage" on the Unit 2- East until he contracted Covid -19, place on segregations finished is 14 days quarantine and had to stay there for another (5) days because the Unit 2 east where he was previous housing was on lockdown no regular movement or recreations "nobody go out and nobody coming in " until his attorney intervened where I was moved to a different housing.

*THEREFORE*, Plaintiff respectfully ask and suggest[s] the this Honorable Court to grant the following relief:

1. Issue an Order:
  - a. Declaring that Petitioner's continued detention under such conditions is not authorized by the INA and/or Violates the Fifth Amendment;
  - b. Plaintiff ask suggest[s] Defendant Steven J. Souza redraw his opposition or his Writ of Habeas Corpus Civil Actions: N0. 20 - 11086 - DJC and release the Petitioner from his Custody.
  - c) Plaintiff request from Defendant and I.C.E. will join in a motion (no to opposed) to

terminate Immigrations procedure against him at Board Of Immigration Appeal and United State District Court of Massachussetss and update his resident status (renew his Drean Card) and provide him a path to become Unit State Citizen.

d) Upom final aproval of the Settlement, Plaintiff will agree to dismiss with prejudice the following pending appeal : Case N0. 20-1626, filled by Sammer Ahmed , appellate Counsel for Class Members .

e) Plaintiff will agree to discharge Defendant and I.C.E from all of theys obligation which including send a letter to the Salem Probate Court in regard to Mr. Decarvalho motion to reopem his family law matter withing upom final aproval of the settlement.

**2. Grant any other and further relief this Court may deem appropriate no limity to :**

a) Plaintiff request from Defendant - I.C.E. To release him from detention and compensated him with a significant monetary compensation to covere for lost of Jobs (plaintiff was self emplyoer deliver contractor), and expenses mony spend on Canteen Commessary purchase, cost of phone of Call, ligal material, clothing, lost of his personal Vehicly, lost of personal property including extra fess from not able to live up to a signed contract of a rental appartement and Rental truck form Budget rental Company from the time of his arrested (November 04 2019) and detention by Defendant I.C.E - Defendant until the present date .

b) Provide him with a financial compensation and Cost of renew all his work documents Resedent Drean Card, and SSN # Emplyoer/Emplyoee Insurance and Healt care and update and cover all Debt as a resulted of his detention provide him with a valid resource for Job Search, Reabilitation program and educational Job skil training Class, therefore Defendant-ICE never served plaintiff with a proper NTA (notice of appearance in Court) the NTA served is not valid document do not content, date and time place of the hearing in accordance with the INA (Immigration Nacional Act) sec. 39 (a) See Supreme Court Rule. ICE simple issu a Warrant for the Plaintiff, after have plaintiff in Custody "Violations Of His Due Process " for this reason Plaintiff Bussiness and Family affairs is upside-down, must be put back in place that require time support and financial resource.

On Thursday, May 7, 2020, Judge Young issued an order know as a preliminary injunction, follow by an opinion on May 12, 2020, further explaining his Order. The Court strongly Rule in favor of the Immigrants detainee at Bristol County including the Plaintiff " The Court ruled that the government likely has acted *unconstitutionally* and show deliberate indifference to the substantial risk of serious harm posed by CIVID- 19 to the immigrants detained at Bristol County in their care. As evidence the Court pointed to the government's failure to conduct comprehensive testing or contact tracing , and its refusal to voluntary consider release of any detainees from Bristol" Doing that Defendant- ICE did not fulfil its duties and obligations to Mr. Decarvalho despite the outbreak BCHOC has done nothing to make the facility safer, they have not increased detainees access to cleaning suplies, not have increased the amount of Soap hand sanitizer available and put the CDC recomendation guide line in place (increasing the space between individual and decreasing the frequent of contact, contact tracing and a widespread testing). Due to BCHOC's negligency Plaintiff Mr. Decarvalho contracted COVID - 19, when he was diagnosed with COVID -19 he was trown into Isolations and giving Motrim for his symptoms he was not provide acces to a Doctor, for this reason the Proposed Settlement from Defendant -ICE is not Fair See Memorandum of Decision Civil Actions: N0. 1:20- cv- 10617 WGY. Plaintiif is opem for a discuss in found othres options of settlement.

Date: 04/19/21

Respectfully submitted,



Janito Decarvalho - Pro-se

ID 197664

Bristol County Department of Corrections

North Dartmouth, Mass. 02747

ICE - A N# A52

### CERTIFICATE OF SERVICE

Date: April 17, 2021

I Janito Decarvalho( Plaintiff) hereby certify that a true copy of the above document ( A Writting Obejection Of Settlement N0.20 -cv- 10617 WGY ) is served to the United District Court Of Massachusetts, and on the date 04/19/21, upom the following adress by regular Mail.

**United State District Court for the  
District of Massachusetts**  
Clerk of Court  
1 - Courthouse Way, Suit 2300  
Boston, Mass. 02210

**Thomas Kanwit**

United State District Court for the  
District of Massachusetts  
1 - Courthouse Way, Suit. 9200  
Boston, Mass. 02210

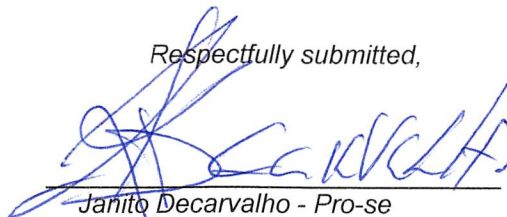
**Orem Sellstrom**

Lawyers for Civil Rights  
61- Battermarch Street , Fifth Floor  
Boston , Mass. 02110  
Counsel for the Plaintiff

**Sameer Ahmed**

Harvard Immigrations and Refuge Clinical Program  
6- Everett Stret  
Cambridge, Mass. 02138  
Appellate Counsel for Class Members With Appellate Proceedings.

Respectfully submitted,



Janito Decarvalho - Pro-se  
ID 197664

Bristol County Department of Corrections  
North Dartmouth, Mass. 02747  
ICE - A -A52

Bristol County Sheriff's Office  
400 Faunce Corner Road  
North Dartmouth, MA 02747

Your Full Name: Janet W. Sallento  
Su Nombre Lleno

ID#: 197664

Unit & Room #: 7-C.E. 11

La Unidad y Número del Cuatro

**USMS  
SCREENED**

PROVIDENCE RI 028

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to: United State District Court  
District of Massachusetts  
One Courthouse Way, Suite 2300  
Boston, Mass 02210  
Att: Clerk of Court  
CIVIL Actions: 1:20-cv-10617

02210-300299



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